

**PETITION TO WITHDRAW PATENT FROM ISSUE UNDER 37 C.F.R. §1.313(c)
Serial No. 10/706,902
Page 1 of 2**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: **Chae, et al.**
Serial No.: **10/706,902**
Examiner: **Tran, Binh X.**
Conf. No.: **7748**

Case: **APPM/8501/ETCH/DRIE**Filed: **November 11, 2003**

JUL 13 2007

Group Art Unit: **1765**

OFFICE OF PETITIONS

Title: **SELECTIVE ETCH PROCESS OF A SACRIFICIAL LIGHT ABSORBING MATERIAL (SLAM) OVER A DIELECTRIC MATERIAL**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

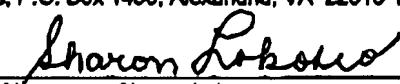
CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being transmitted by facsimile under 37 C.F.R. §1.8 on July 13, 2007, and is addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

July 13, 2007

Date

Signature - Sharon Lobosco



PETITION TO WITHDRAW PATENT FROM ISSUE UNDER 37 C.F.R. §1.313(c)

The issue fee for this application was paid on June 15, 2007. However, a significant defect has since been found in the allowed application. Specifically, the Applicants have identified prior art references that should be submitted to satisfy their duty of disclosure under 37 C.F.R. §1.56. As such, the Applicants respectfully request that the Commissioner withdraw the above-captioned patent application from issue under the provisions of 37 C.F.R. §1.313(c)(2) such that the identified prior art references can be submitted and considered by the Office. As required by 37 C.F.R. §1.313(c)(2), this petition is being filed along with a Request for Continued Examination in compliance with 37 C.F.R. §1.114 along with an Information Disclosure Statement in compliance with 37 C.F.R. §1.97 that discloses the above-mentioned prior art references.

The Commissioner is hereby authorized to charge counsel's Deposit Account No. 50-3562 for the \$130 petition fee due under 37 C.F.R. §1.17(h), the fees associated with the Request for Continued Examination, plus any other fees required to make this response timely and acceptable to the Office.

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PETITION TO WITHDRAW PATENT FROM ISSUE UNDER 37 C.F.R. §1.313(c)
Serial No. 10/708,902
Page 2 of 2

If there are any unresolved issues in this application, please telephone the undersigned so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

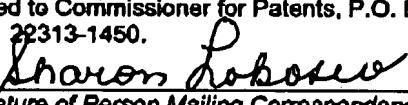
Moser IP Law Group

Date: July 13, 2007

By: Alan Taboada
Alan Taboada
Registration No. 51,359

MOSER IP LAW GROUP
1040 Broad Street – 2nd Floor
Shrewsbury, NJ 07702
(732) 935-7100

64152-1

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97(c), (d)				Docket No. APPM/8501/ETCH/DRIE
In re Application of: Yoav Z. Hollander				
Serial No. 10/706,902	Filing Date 11/11/03	Examiner Binh X. Tran	Group Art Unit 1765	FAX RECEIVED
Title:				
Address to: Commissioner for Patents Alexandria, VA 22313-1450				
JUL 13 2007				
OFFICE OF PETITIONS				
37 CFR 1.97(b)				
<p>1. <input checked="" type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits; or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.</p>				
37 CFR 1.97(c)				
<p>2. <input type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), but prior to the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by the statement or fee as indicated below.</p>				
37 CFR 1.97(d)				
<p>3. <input type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(c), but on or before payment of the issue fee and is accompanied by the statement and fee as indicated below.</p>				
Required Statements and/or Fees Under 37 CFR 1.97(c) or (d)				
<p><input type="checkbox"/> Each item of information contained in the accompanying Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement. (37 CFR 1.97(e)(1))</p>				
<p><input type="checkbox"/> No item of information in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned person, after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement. (37 CFR 1.97(e)(2))</p>				
<p><input type="checkbox"/> The fee set forth in 37 CFR 1.17(p). Please credit any overpayment or charge any insufficiencies to deposit account number 50-3562.</p>				
37 CFR §1.704(d)				
<p>4. <input type="checkbox"/> Each item of information in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.</p>				
 <u>Alan Taboada</u> Dated: <u>July 13, 2007</u>				
Certificate of Transmission				
<p>I hereby certify that this correspondence is being transmitted by facsimile or first class mail under 37 C.F.R. §1.8 on <u>July 13, 2007</u>, and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p>				
 <u>Sharon Lobosco</u> Signature of Person Mailing Correspondence				
<u>Sharon Lobosco</u> Typed or Printed Name of Person Mailing Correspondence				

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JUL 13 2007

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1040 Broad Street, 2nd Floor, Shrewsbury, New Jersey 07702
 Tel: (732) 935-7100 Fax: (732) 935-7122
www.moseriplaw.com

JUL 13 2007

OFFICE OF PETITIONS**FACSIMILE COVER SHEET****THIS MESSAGE HAS Nine (9) PAGES INCLUDING THIS SHEET**TO: Office of Petitions - Commissioner for Patents – U.S. Patent OfficeFAX NO.: (571) 273-0025FROM: Alan TaboadaDATE: July 13, 2007MATTER: Serial No. 10/706,902 Filed: November 11, 2003DOCKET NO.: APPM/8501/ETCH/DRIEIN RE APPLICANT OF: Chae, et al.

The following has been received in the U.S. Patent and Trademark Office on the date of this facsimile:

<input checked="" type="checkbox"/> Petition To Withdraw Patent from Issue	<input checked="" type="checkbox"/> Transmittal Letter
<input checked="" type="checkbox"/> Disclosure Statement & PTO-1449	<input checked="" type="checkbox"/> Fee Transmittal (2 copies)
Priority Document	<input checked="" type="checkbox"/> Deposit Account Transaction
<input checked="" type="checkbox"/> Request for Continued Examination (RCE)	<input checked="" type="checkbox"/> Facsimile Transmission Certificate dated July 13, 2007.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

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Sharon Lobosco
 Name of person signing this certificate

Sharon Lobosco 07/13/2007
 Signature and date

64156-1

PTO/SB/21 (08-04)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

Application Number

10/706,902

FAX RECEIVED

Filing Date

November 11, 2003

JUL 13 2007

First Named Inventor

Chae et al.

Art Unit

1765

OFFICE OF PETITIONS

Examiner Name

Binh X. Tran

(to be used for all correspondence after initial filing)

Total Number of Pages In This Submission

9

Attorney Docket Number

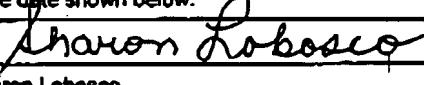
APPM/8501/ETCH/DRIE

ENCLOSURES (check all that apply) Fee Transmittal Form Drawing(s) After Allowance Communication to TC Fee Attached Licensing-related Papers Appeal Communication to Board Amendment / Reply Petition of Appeals and Interferences After Final Petition to Convert to a
Provisional Application Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief) Affidavits/declaration(s) Power of Attorney, Revocation
Change of Correspondence Address Proprietary Information Extension of Time Request Terminal Disclaimer Status Letter Express Abandonment Request Request for Refund Other Enclosure(s)
(please identify below): Information Disclosure Statement CD, Number of CD(s) _____ Facsimile Transmission Sheet
Request for Continued Examination (RCE)
Petition to Withdraw Patent from Issue Certified Copy of Priority
Document(s) Remarks It is believed no fee is due. However, in the event a fee is due,
kindly charge that fee to Deposit Account No. 50-3562. Reply to Missing Parts/
Incomplete Application Landscape Table on CD Reply to Missing Parts
under 37 CFR 1.52 or 1.53**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm	Moser IP Law Group		
Signature			
Printed Name	Alan Taboada		
Date	July 13, 2007	Reg. No.	51,359

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature	
Typed or printed name	Sharon Lobosco
Date	July 13, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/17 (02-07)

Approved for use through 02/28/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2007 Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$)
\$920.00**Complete if Known****FAX RECEIVED**

Application Number 10/706,902

Filing Date November 11, 2003

First Named Inventor Chae et al.

JUL 13 2007

Examiner Name Binh X. Tran

Art Unit 1765

OFFICE OF PETITIONS

Attorney Docket No. APPM/8501/ETCH/DRIE

METHOD OF PAYMENT (check all that apply) Check Credit Card Money Order None Other (please identify): _____ Deposit Account Deposit Account Number: 50-3562 Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

 Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fee Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=				

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
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3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x		

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Request for RCE; Petition fee set forth in 37 CFR 1.17(h)

Fee Paid (\$)

\$920.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 51,359	Telephone 732-935-7100
Name (Print/Type)	Alan Taboada		Date July 13, 2007

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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64164_1

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Examiner Name	Binh X. Tran	
Art Unit	1765	OFFICE OF PETITIONS
Attorney Docket No.	APPM/8501/ETCH/DRIE	

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number: 50-3562 Deposit Account Name: _____

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Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee

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Signature	AL TABOADA	Registration No. (Attorney/Agent) 51,359	Telephone 732-935-7100
Name (Print/Type)	Alan Taboada		Date July 13, 2007

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Page 1 of 2**

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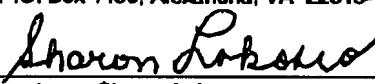
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Serial No. 10708,902
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Respectfully submitted,

Moser IP Law Group

Date: July 13, 2007

By:



Alan Taboada
Registration No. 51,359

MOSER IP LAW GROUP
1040 Broad Street – 2nd Floor
Shrewsbury, NJ 07702
(732) 935-7100

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Tel: (732) 935-7100 Fax: (732) 935-7122

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FACSIMILE COVER SHEET

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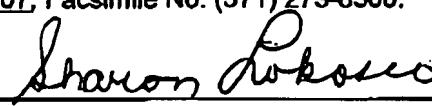
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Sharon Lobosco
Name of person signing this certificate


07/13/2007
Signature and date

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		Filing Date	November 11, 2007
		First Named Inventor	Chae et al.
		Art Unit	1765
(to be used for all correspondence after initial filing)		Examiner Name	Binh X. Tran
Total Number of Pages in This Submission	9	Attorney Docket Number	APPM/8501/ETCH/DRIE

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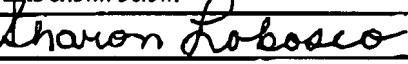
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Facsimile Transmission Sheet
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	Request for Continued Examination (RCE)
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	Petition to Withdraw Patent from Issue
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks It is believed no fee is due. However, in the event a fee is due, kindly charge that fee to Deposit Account No. 50-3562.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	Moser IP Law Group		
Signature			
Printed Name	Alan Taboada		
Date	July 13, 2007	Reg. No.	51,359

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature	
Typed or printed name	Sharon Lobosco
Date	July 13, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (02-07)

Approved for use through 02/28/2007. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2007

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

\$920.00

Complete if Known

Application Number

10/706,902

FAX RECEIVED

Filing Date

November 11, 2003

JUL 13 2007

First Named Inventor

Chae et al.

Examiner Name

Binh X. Tran

Art Unit

1765

OFFICE OF PETITIONS

Attorney Docket No.

APPM/8501/ETCH/DRIE

METHOD OF PAYMENT (check all that apply)

 Check Credit Card Money Order None Other (please identify): _____ Deposit Account Deposit Account Number: 50-3562 Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

 Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee Charge any additional fee(s) or underpayments of fee(s)
under 37 CFR 1.16 and 1.17 Credit any overpayments

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES	
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)
Utility	300	150	500	250	200	100
Design	200	100	100	50	130	65
Plant	200	100	300	150	160	80
Reissue	300	150	500	250	600	300
Provisional	200	100	0	0	0	0

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	
				Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=			
HP = highest number of total claims paid for, if greater than 20.					

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=	

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x		

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Request for RCE; Petition fee set forth in 37 CFR 1.17(h)

Fee Paid (\$)

\$920.00

SUBMITTED BY:

Signature		Registration No. (Attorney/Agent)	51,359	Telephone 732-935-7100
Name (Print/Type)	Alan Taboada			Date July 13, 2007

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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INFORMATION DISCLOSURE STATEMENT
Pursuant to 37 CFR 1.97(b)(c), or (d)

Docket No.
APPM/8501/ETCH/DRIE

In re Application of: Yoav Z. Hollander

Serial No.
10/706,902

Filing Date
11/11/03

Examiner
Binh X. Tran

Group Art Unit
1765

Title:

Address to:
Commissioner for Patents
Alexandria, VA 22313-1450

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JUL 13 2007

37 CFR 1.97(b)

1. The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits; or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

OFFICE OF PETITIONS

37 CFR 1.97(c)

2. The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), but prior to the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by the statement or fee as indicated below.

37 CFR 1.97(d)

3. The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(c), but on or before payment of the issue fee and is accompanied by the statement and fee as indicated below.

Required Statements and/or Fees Under 37 CFR 1.97(c) or (d)

- Each item of information contained in the accompanying Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement. (37 CFR 1.97(e)(1))
- No item of information in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned person, after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement. (37 CFR 1.97(e)(2))
- The fee set forth in 37 CFR 1.17(p). Please credit any overpayment or charge any insufficiencies to deposit account number 50-3562.

37 CFR §1.704(d)

4. Each item of information in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

AL D K

Dated: July 13, 2007

Alan Taboada

Reg. No. 51,359

Moser IP Law Group

Attorneys at Law

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Shrewsbury, New Jersey 07702

732-935-7100

Certificate of Transmission

I hereby certify that this correspondence is being transmitted by facsimile or first class mail under 37 C.F.R. §1.8 on July 13, 2007, and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Sharon Lobosco
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